

REMARKS

The disclosure in the paragraph bridging pages 4-5 in specification has been amended to correct a typographical error which can be seen from the disclosure at, e.g., page 4, lines 4-5. Claim 7 has been amended based on the disclosure at page 5, lines 4-6 in the present application. Claim 8 has been amended based on the disclosure at page 7, line 14 to page 8, line 6 and Example 5 at page 14, line 6 et seq. in the present application.

Entry of the above amendment is respectfully requested.

Information Disclosure Statements

Applicants note that the Examiner has attached partially initialed PTO/SB/08 forms to the Office Action, but it is not clear to Applicants why the Examiner has not considered the references which have been lined out.

For example, on the PTO/SB/08 form filed February 15, 2007, the Examiner has lined out all of the U.S. patents. Applicants note that copies of U.S. patents do not need to be submitted in order to have those patents considered by the Examiner.

Also, on the PTO/SB/08 form filed February 15, 2007, the Examiner has lined out all of the non-patent literature documents. Applicants note that copies of all the non-patent literature documents have been submitted and can be seen in the Image File Wrapper in the PAIR system on the PTO website, and all of those documents are in English, so the Examiner should consider those documents.

In addition, for all of the lined-out foreign patent documents on the PTO/SB/08 forms, Applicants note that copies have been of each of those documents have been submitted and can be seen in the Image File Wrapper in the PAIR system on the PTO website, and concise

explanations of relevance have been provided for the foreign patent documents not in English, so the Examiner should consider all of the lined-out foreign patent documents as well.

Accordingly, Applicants respectfully request that the Examiner consider all of the lined-out documents on the PTO/SB/08 forms attached to the Office Action, and return fully initialed PTO/SB/08 forms with the next communication from the PTO.

Objection to Claim 7

On page 2 of the Office Action, the Examiner has objected to claim 7 under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

In response, and to expedite allowance, Applicants have amended claim 7 to resolve the objection. Accordingly, Applicants submit that the objection has been overcome, and withdrawal of the objection is respectfully requested.

Rejection under 35 U.S.C. 101

On page 3 of the Office Action, claim 8 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process.

In response, and to expedite allowance, Applicants have amended claim 8 to clearly set forth a process step. Accordingly, Applicants submit that this rejection has been overcome, and withdrawal of this rejection is respectfully requested.

Rejection under 35 USC 112, Second Paragraph

On page 3 of the Office Action, claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

In response, Applicants submit that it is defined that the phosphatidyl ethanolamine residue in the formula (1)' in claim 1 and formula (1) in claims 6 and 8 has a negative charge.

That is, as long as the charge is specified, a phosphoric acid structure in which a hydrogen atom is covalently bonded is not included, but it is technical common knowledge that the existence of a counter cation is prerequisite. Since only the anion is described as a constituent feature, it is apparently included in the scope of claims no matter what the counter cation is or whether it is existent in the form of a solid salt or an aqueous solution.

As to claim 8, Applicants submit that this claim has been amended to clearly set forth an active, positive step.

Thus, Applicants submit that the present claims satisfy the requirements of 35 U.S.C. 112, second paragraph, and withdrawal of this rejection is respectfully requested.

Obviousness Rejection

On page 4 of the Office Action, claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsukiyo et al. (US Patent No. 5,733,892) in view of Shigehisa et al. (JP 06-072893).

In response, Applicants submit that Katsukiyo et al teach that when chondroitin sulfate C is reacted with PPEADP in Example, the 6-th position is substituted (see the formula in the center of columns 47-48, and the formula in columns 49-50), and when hyaluronic acid is used,

only the terminal aldehyde group is substituted (see the formulas in columns 37-38, columns 39-40, and columns 41-42).

Since the hyaluronic acid compound of the present invention having the phosphatidyl ethanolamine substituent at the 6-th position cannot be made obvious from Katsukiyo et al, claims 1-7 are not obvious from a combination of Katsukiyo et al and Shigehisa et al.

Thus, Applicants submit that the present invention is not obvious over the cited art, and withdrawal of this rejection is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Bruce E. Kramer
Registration No. 33,725

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: October 28, 2009